

# Children and Families Bill

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## AMENDMENTS TO BE MOVED IN GRAND COMMITTEE

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### Clause 34

BARONESS HOWE OF IDLICOTE

Page 27, line 24, leave out subsection (3)

### Clause 37

BARONESS HOWE OF IDLICOTE

Page 30, line 24, at end insert –

“( ) In making a decision for the purposes of this section in relation to a young person aged over 18, a local authority must seek psychological advice from an educational psychologist.”

### Clause 44

BARONESS HOWE OF IDLICOTE

Page 34, line 21, at end insert –

“( ) Following a review or re-assessment a local authority has to seek psychological advice from an educational psychologist.”

**After Clause 106**

BARONESS BENJAMIN

Insert the following new Clause –

**“PART 8A****CHILDREN PARTICIPATION IN PERFORMANCES****Children participation in performances**

- (1) The Children and Young Persons Act 1963 is amended as follows.
- (2) Section 38 is repealed.
- (3) After section 37(2) insert –
  - “(2A) For the purposes of subsection (2) of this section a performance does not include participation in:
    - (a) Filming by private individuals for uploading onto the internet for transmission (“user generated content”);
    - (b) observational documentaries in which the child’s life and routine remains to a significant degree the same as it would have been had filming not been taking place;
    - (c) unplanned and spontaneous filming where parental consent is subsequently obtained for the purposes of broadcasting;
    - (d) filming in the context of news and current affairs journalism, or filming in the public interest in circumstances where it is not practicable to apply for a licence, without prejudice to the effect of sections 39 and 49; or
    - (e) any further category as the Secretary of State may specify by way of Regulations.”
- (4) After section 37(3) insert –
  - “(3A) Where subsections 2A(b) to (e) of this section apply such that no licence is required, the person responsible for filming the child shall carry out an assessment of risk prior to the filming taking place, save where it is not possible to do so, in which case such a risk assessment must be carried out as soon as possible after such filming takes place.”
- (5) In section 37(4) after “will not suffer” insert –
 

“and in particular, that the child would not be subjected to any risk beyond that involved in the ordinary course of their life”
- (6) In section 37(5) after “imposed by the authority” insert –
 

“; such conditions shall however, seek to minimise any differences in conditions imposed in relation to different media and any such differences must be necessary and objectively justified for the purposes of protecting the child against a specified risk. In particular, Regulations shall not prohibit the recording or broadcast of live performances where the child’s participation in that live performance is permitted by the relevant licence”

**After Clause 106 – continued**

- (7) After paragraph 37(1)(b) insert—
  - “(c) go abroad for the purposes of a performance to which subsection 2 applies save that this subsection shall not apply in any case where it is proved that the child was only temporarily resident within the United Kingdom.”
- (8) Section 38 is repealed.
- (9) Section 42 is repealed.
- (10) The Children and Young Person’s Act 1933 is amended as follows.
- (11) Leave out subsection 25(1)(a) and insert —
  - “for the purposes of taking part in a performance to which section 37(2) of the Children and Young Persons Act 1963 applies.”
- (12) In section 25(1), after “in respect of him under” leave out “this section” and insert—
  - “section 37 of the Children and Young Persons Act 1963”
  - Delete subsection (a) and after “granted in respect of him under” delete “this” and after “section” insert: “37 of the Children and Young Persons Act 1963”.
- (13) Sections 25(2)-(11) of the Children and Young Persons Act 1933 are repealed.

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